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COMMISSION ON NARCOTIC DRUGS ACTING AS
PREPARATORY BODY FOR THE SPECIAL SESSION
OF THE GENERAL ASSEMBLY DEVOTED TO THE
FIGHT AGAINST THE ILLICIT PRODUCTION,
SALE, DEMAND, TRAFFIC AND DISTRIBUTION
OF NARCOTIC DRUGS AND PSYCHOTROPIC
SUBSTANCES AND RELATED ACTIVITIES
Second informal open-ended inter-sessional meeting
Vienna, 7-9 October 1997

OPENING OF THE MEETING AND ADOPTION OF THE AGENDA

Provisional agenda

1. Opening of the meeting and adoption of the agenda.
2. Promotion of judicial cooperation.
3. Countering money-laundering.
4. Other matters.
5. Report on the outcome of proceedings.

Annotations

The Commission on Narcotic Drugs, acting as preparatory body for the special session of the General Assembly devoted to the fight against the illicit production, sale, demand, traffic and distribution of narcotic drugs and psychotropic substances and related activities, to take place in June 1998, held its first session from 26 to 27 March 1997, during which it decided to hold informal open-ended inter-sessional meetings from 7 to 9 July and from 7 to 9 October and on 5 December 1997.

*Re-issued for technical reasons.

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At the first session of the Commission acting as preparatory body for the special session, it was agreed that the following issues would be considered during the preparatory process: reaffirmation of the political commitment of Governments to international drug control; demand reduction, in particular adoption of the guiding principles of demand reduction and proposals for implementation; and (a) measures to counter the illicit manufacture of, traffic in and abuse of stimulants, (b) measures to enhance the control and monitoring of precursors frequently used in the manufacture of illicit drugs, (c) measures to promote judicial cooperation, (d) measures to counter money-laundering, and (e) illicit crops eradication and alternative development.

The inter-sessional meetings will not be called upon to examine in detail the question of demand reduction in view of the fact that a separate timetable has been established by the Commission for work on the draft declaration on the guiding principles of reduction of illicit demand for drugs. The results will be made available in a progress report to be submitted to the third informal open-ended inter-sessional meeting and will then be reported at the second session of the Commission acting as preparatory body for the special session.

The first inter-sessional meeting, held from 7 to 9 July 1997, examined (a) measures to counter the illicit manufacture of, traffic in and abuse of stimulants and (b) measures to enhance the control and monitoring of precursors frequently used in the manufacture of illicit drugs. The third inter-sessional meeting is to be held on 5 December 1997.

1. *Opening of the meeting and adoption of the agenda*

The officers of the second inter-sessional meeting will be the same as for the first session of the Commission on Narcotic Drugs acting as preparatory body for the special session of the General Assembly.

2. *Promotion of judicial cooperation*

In implementing the provisions of th e United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, [1] many States have enacted or adapted existing legislation to facilitate cooperation between States in applying the legal measures provided for in the 1988 Convention to apprehend drug traffickers, to secure their conviction and punishment and to trace, freeze and confiscate illicit proceeds. In addition, many bilateral and regional agreements have been negotiated to further the extradition of drug traffickers, to facilitate mutual legal assistance and to increase cooperation among law enforcement agencies.

In recognizing the importance of comprehensive legislation to implement fully the international drug control conventions and, in particular, the effectiveness of criminal drug control laws, the Commission on Narcotic Drugs, at its fortieth session, adopted resolution 2 (XL), entitled "Development and implementation of domestic legislation to strengthen justice systems and ensure compliance with the provisions of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 relating to law enforcement and judicial cooperation". In that resolution, the Commission requested the General Assembly at its special session to consider ways to promote the adoption of legislation designed to enhance judicial and law enforcement cooperation in conformity with the 1988 Convention. The second inter-sessional meeting could assist the General Assembly at its special session in exploring whether new measures to complement the 1988 Convention might be recommended, such as measures to protect judges, prosecutors and witnesses from threats and intimidation, and whether new investigative techniques might be recommended, such as court-supervised interception of communications, monitoring of accounts at financial institutions and undercover operations. To facilitate the implementation of the 1988 Convention, measures to simplify confiscation proceedings, harmonize procedures and increase international cooperation might be proposed. The recommendations contained in Report of the International Narcotics Control Board for 1996 [2] on measures to improve the efficiency of criminal justice systems to prevent and control the illicit supply and consumption of drugs could also serve as a basis for the adoption of measures by the General Assembly at its special session.

Documentation

Measures to improve international judicial cooperation in drug control matters (E/CN.7/1997/PC/CRP.5).
Measures to promote judicial cooperation (INCB/JUD)

3. *Countering money-laundering*

The tracing, seizing and confiscation of illicit proceeds are effective weapons against drug trafficking and other organized criminal activity. The 1988 Convention requires parties to establish as offences in their domestic legislation the laundering of such proceeds and to cooperate in the investigation and prosecution of such offences. The 1988 Convention also requires parties to enact legislation that allows them to confiscate the proceeds and instrumentalities of drug-trafficking offences and to cooperate with one another in the identification, seizing, freezing and confiscation of such proceeds and instrumentalities.

To complement the 1988 Convention, States, regional groups and other organizations have identified a number of measures to enable States to investigate and prosecute offences relating to the proceeds of crime and to prevent their financial institutions from being used in money-laundering, such as the recommendations of the Financial Action Task Force established by the Heads of State or Government of the Group of Seven major industrialized countries and the President of the European Commission and the recommendations of the Inter-American Drug Abuse Control Commission of the Organization of American States. In addition, the Report of the International Narcotics Control Board for 1995 [3] contains specific recommendations on action against money-laundering.

The second inter-sessional meeting might consider harmonizing such measures for consideration and approval by the General Assembly at its special session.

Documentation

Draft declaration on money-laundering (E/CN.7/1997/PC/CRP.1)*
Prevention of and action against money-laundering (E/CN.7/1997/PC/CRP.6).
Measures to counter money-laundering (INCB/MON)

4. *Other matters*

At the present time, no other matters requiring action at the first inter-sessional meeting have been brought to the attention of the Secretariat.

5. *Report on the outcome of proceedings*

Because of the informal nature of the meeting and the limited time available for deliberations, the first inter-sessional meeting decided to adopt a simplified reporting system by instructing the rapporteur to produce a final version after the meeting. The report will be before its second session of the Commission acting as preparatory body, to be held from 27 February to 5 March 1998.

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* Proposal introduced by Mexico at the first session of the Commission acting as preparatory body for the special session to encourage an exchange of views on the subject.

Notes

1. Official Records of the United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Vienna, 23 November - 20 December 1988, vol.I (United Nations publication, Sales No. E.94.XI.5).

2. United Nations publication, Sales No. E.97.XI.3, chap.I.

3. United Nations publication, Sales No. E.96.XI.1, chap.I.